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Facilitating Ineffective Protest? The Policing of the 2009 Edinburgh NATO Protests

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Running Title: Facilitating Ineffective Protest?

Abstract: This paper reports on innovations in public order policing during the protests surrounding the NATO Parliamentary Assembly in Edinburgh, November 2009. When masked anarchist protesters determined to 'smash Nato' gathered on the streets on the first morning of the Assembly, they were initially confronted by three plainclothes police negotiators rather than a line of riot police. In this paper we draw on empirical data to offer an analysis of these developments and gauge the extent to which they meet the stated intentions of the police to 'facilitate lawful protest'. Whilst welcoming the shift in attitudes and approach towards political protest, we argue that the accent on facilitation in this operation ultimately appeared neither innovative nor effective in practice and frequently reverted to styles of policing designed to contain protest.

Key Words: Protest; Policing; Nato; Negotiated Management

Introduction

In November 2009, the North Atlantic Treaty Organisation's (Nato's) Parliamentary Assembly met in Edinburgh. Given its involvement in ongoing military conflicts and the fact that the primary focus of the meeting was on security concerns, the Assembly seemed like an obvious target for protesters. Indeed, anarchist activists affiliated to the 'Anti-Militarist Network' had met a year in advance with a view to planning their response; and, as early as March 2009, the local *Evening News* had forecast 'angry political protests', citing one security consultant's prediction that the summit could 'attract the attention of the more extreme groups' (McLaughlin 2009a).

The Assembly spanned five days. Prior to and during its occurrence, activist websites outlined the nature of scheduled protests and hinted that a variety of disruptive activities were due to take place. One might therefore have predicted a robust police presence and response, but the reaction of the Lothian and Borders Police (LBP) was unexpectedly quiescent: the Force's website contained no reference to the event, while emailed messages to the LBP 'information centre' enquiring about possible disruption were not responded to. The police seemed keen to downplay the potential for disorder:

Lothian and Borders Chief Superintendent Phil O'Kane, who is in charge of policing the event, said there was no intelligence that the Anti Militarist Network was anything other than a peaceful protest movement. He said: 'We will be drawing parallels with the policing of major sporting events ...' (Ferguson 2009).

Protest websites and anarchist groups, by contrast, were keen to amplify the event and their opposition to the Assembly. Two days before the summit's commencement the 'Nato Welcoming Committee' (Nato WC), a loose collection of anarchist and/or student groups, opened a convergence space in the centre of the city, which functioned as a hub for meetings, banner making, and social events, and provided computer facilities for updating the Nato WC and *Indymedia Scotland* websites. While both sites busily advocated an assortment of 'spontaneous' actions (e.g. a picket of a Nato delegates' social event¹, and a call to disrupt their visit to the Museum of Flight²), there were actually four main focal points of protest: a 'Smash Nato' demo on the opening day of the conference (Friday 13 November 2009), the Stop the War Coalition rally the following day, and two events on Tuesday 17 November, the final day of the proceedings. The first of these latter activities represented an attempt by activists from Trident Ploughshares (a non-violent direct action group) to enter the conference centre; the second comprised a 'noisy protest' on the University of Edinburgh campus in opposition to a talk (on 'peace support operations') by Nato's Director General.

Despite pre-event expectations of mass disorder, there were no reports of serious conflict or violence, and though six Trident Ploughshare activists were detained and passively resisted arrest there was little in the way of direct confrontation. Moreover, the police emphasis during the entirety of 'Operation Oak' was to accommodate the protesters' objectives and some reporters characterised the policing as meeting this aim. On the final day of the summit, for example:

Officers from Lothian and Borders Police were in attendance and directed the protesters to a designated protest area on South Bridge where their peaceful protest [was] being facilitated (Grecian, 2009).

Whilst Scottish forces pride themselves on adopting a 'softly-softly' approach to protest policing (Gorringer and Rosie, 2010), their emphasis on facilitation and willingness to innovate tactically occurred against the backdrop of the intense media and political criticism of police public order tactics during the London G20 protest of April 2009 in which one passer-by, Ian Tomlinson, died of injuries sustained in an altercation with officers belonging to the Metropolitan Police Service (Rosie and Gorringer, 2009). This event became the subject of an official inquiry headed by Her Majesty's Chief Inspector of Constabulary, which arrived at the principal recommendation that the police should make it their primary objective to *facilitate* (and not suppress) the right to protest (HMCIC, 2009a and b).

It was certainly the possibility that these developments may have induced a UK-wide transformation in police philosophy concerning the management of protest that motivated the research on which the present study is based. The following account of Operation Oak (the LBP codename for the Nato event) is based on a participant observation approach in which five researchers, including the authors and two postgraduate colleagues, focused on three of the four main protest events referred to previously - i.e. the Nato Welcoming Committee protests on the first day of the summit, a Stop the War Coalition march the following day, and the rally at the university building on the final day of the Assembly. We adopted an 'observer-as-participant' role and took notes based on our own observations. On the first morning we were unknown to either group, but we were open about our status as researchers in interactions with both police and protestors. Mingling with protestors enabled us to capture their experience of the policing and their interactions with the facilitators.

At least two, and usually all three, of the authors were present on each occasion. Additionally a postgraduate researcher (Kominou) was employed to take notes at the events on day one and five, and a postgraduate colleague (Fergus Neville) from another institution attended the first two days. Notes were written up as soon after each event as possible and circulated amongst the group – where several people make the same point all are cited. Whilst participant observation is necessarily partial, this ability to cross-check and triangulate notes affords us greater confidence than would otherwise be the case. As well as noting salient points and events we engaged in repeated conversations with police and protestors, and undertook a review of newspaper and web coverage. Subsequently we secured a group discussion with the four police negotiators involved in 'facilitating' the protests, and followed up with formal interviews with two of these negotiators and the Silver commander for the policing operation.³

It is clear from this data that LBP 'gold strategy' for the Edinburgh anti-Nato protests was premised on the 'facilitation' of political deliberation and dissent.⁴ As part of this intentionally 'softly-softly' approach, as we shall see, three plain-clothed officers, introducing themselves as 'facilitators', were deployed to 'greet' masked members of the Nato Welcoming Committee as they gathered for a demonstration on the first morning of the Assembly. Together with one other colleague who joined

them later in the proceedings, these officers were ubiquitous at the subsequent protest events. Whilst acknowledging that their role was in its infancy and that it may be unfairly premature to engage in close analysis, such is the novelty and importance of this tactical development that we devote the remainder of this paper to describing and evaluating its nature and future implications.

We start to address this task by noting important transformations that have shifted contemporary public order policing away from an avowedly uncompromising approach to protesters towards a more negotiated and accommodating style of management, followed by a reversion to a general *modus operandi* involving the strict supervision and control of groups regarded by the police as inherently troublesome and unco-operative. This preliminary discussion will focus on two important issues which will frame our subsequent analysis: (i) the extent to which calls for more negotiated (and facilitating) approaches being advocated in certain academic and legal quarters will result in less repressive policing and an enhancement of the right to protest; and (ii) whether such an approach has any real viability as a method of handling anti-systemic protest. These issues are then explored in the space of three subsequent sections, each devoted to the three separate components of the anti-Nato protest referred to above.

Incapacitation, Negotiation and Facilitation in Protest Policing

It is important to acknowledge that proactive police attempts to liaise with various protest groups are not new and, in fact, draw from a longer traditions of community policing and techniques of conflict resolution (Farrow 2003). Indeed, McPhail et al. (1998) chart the emergence of a 'negotiated management' style of public order policing in the U.S during the 1980s and 1990s. This style was instigated in response to disillusionment with a less compromising 'escalated force' model of policing which was increasingly perceived as enhancing the potential for crowd violence and undermining police legitimacy. An alternative emphasis was therefore placed on co-operating with protestors even if this entailed tolerating a degree of public disruption and turning a blind-eye to peaceful, symbolic actions that were technically illegal (ibid. 1998). Examples of police/protestor co-operation extend to the stage-management of road blockades or other 'media friendly' stunts.

Some British academics have expressed scepticism that this negotiated style of public order policing is merely a more subtle and arguably disingenuous way of containing or repressing political dissent and ensuring public sympathy and legitimacy (King and Brearley, 1996; Waddington, 1996, 1998). PAJ Waddington's (1994, 1998) two-year participant observation study of public order policing in the Metropolitan Police Service lends support for this view. He demonstrates how senior police were able to secure their objectives of having protesters march peacefully along the police's preferred route - thus minimising disruption and inconvenience to ongoing city life - through the guileful deployment of spurious friendship, advice, guidance and extension of favours in pre-event negotiation with organisers.

Police interaction with organizers and other protesters during the event will exude equally ostentatious bonhomie; riot police (though heavily tooled up and at-the-ready if needed) will be kept well out of sight of the demonstrators, and senior officers will seek to brief civilian stewards and their marshals on the collaborative

relationship the police are hoping will prevail. Once the march gets under way, police in normal uniform and yellow fluorescent jackets, will help to sustain its shape and consistency of pace, thus hemming the marchers in. In the process, 'the interests of protesters are, at least, compromised. Protest is emasculated and induced to conform to the avoidance of trouble. In police argot, protest organisers are "had over"' (PAJ Waddington, 1994: 198), but the veneer of facilitation is sustained.

This subtle control, however, does not mean that the police will be universally prepared co-operate with and make concessions to dissenting groups. Sometimes, they exhibit an unwillingness to negotiate, based on their traditional mistrust of groups they routinely regard as political 'troublemakers', a 'professional rent-a-mob', and 'bad' or 'illegitimate' protestors (della Porta & Filleuille, 2004; Farrow, 2003; PAJ Waddington, 2003). As other recent studies have emphasised (Gorringe and Rosie, 2008a & b; Waddington, 2007a and b; Waddington and King, 2005) the space for police dialogue and negotiation is likely to be further constricted by a potentially wide variety of implicit and explicit political influences, ranging from the legal and symbolic imperatives to secure the safety and security of summit events and the Internationally Protected Persons attending them (Ericson & Doyle, 1999), to the expressed views of key 'police audiences', in particular the mass media (Jefferson and Grimshaw, 1984).

King and Waddington (2005: 262-3) further explain how, in order for negotiated management to 'work', it is necessary for groups of demonstrators to have identifiable representatives with the requisite authority to enter into negotiations with the police - hence the latter's consistent failure to engage with those dissenting groups (often anarchistic in orientation) having leaderless or 'non-hierarchical' decision-making structures. Gillham & Noakes (2007: 342-3) make the related point that negotiated management is predicated on the assumption that protest groups are actually willing to co-operate. However, they showed in their account of anti-systemic protest in Seattle, that whilst various groups undoubtedly welcomed a consensual protest/police relationship, others clearly resented the restrictions that this placed on their actions and the possibility that they would achieve their protest objectives. This created a troublesome dichotomy consisting, on the one hand, of 'contained' (co-operative) protesters who sought permits, negotiated routes and deployed stewards, and their 'transgressive' (unco-operative) counterparts, who not only refused to engage with the police but developed innovative, direct-action tactics to resist what they saw as the neutralisation of dissent.

Gillham & Noakes (2007: 343) argue that the prevalent police response to the reluctance of transgressive protesters to negotiate has been one of *strategic incapacitation*. These authors note how a range of tactics - including 'kettling', preventative arrest, intelligence gathering (including surveillance and infiltration) and the creation of 'extensive no-protest zones' - have been deployed, often to the detriment of protesters' civil liberties. They further posit that public opposition to this approach has been attenuated 'partly because the tactics employed by some transgressive activists are not seen as legitimate by the mainstream media and public' (ibid.: 353). Earl and Soule (2006) make the additional point that senior police have a tendency to portray the containment of protesters as the most

reasonable way of allowing challenging groups to occupy public space whilst satisfying the police desire to minimise disruption and alleviating the dreaded possibility that they might lose overall control.

Critics of such tactics refer to well-documented examples of protesters being held for many hours against their will - often without access to food, water or toilet facilities - before finally being allowed to leave. In the UK, the legality of the tactic has been tested in court. In an echo of Gilham and Noake's conclusion, however, in 2009 the House of Lords⁵ found that:

The tactic of containment will not infringe the right to liberty ... provided that the following criteria are met:

- i) the tactic is resorted to in good faith;
- ii) the tactic is proportionate to the situation ... ;
- iii) the tactic is enforced for no longer than is reasonably necessary (HMIC 2009: 43-4)

Whilst leaving huge scope for interpretation on each count, the bottom line is an endorsement of strategies that selectively incapacitate large groups of people. Any room for negotiation tends to be heavily circumscribed, and invariably results in protesters being kept at such a 'safe distance' from the targets of their derision as to render their presence ineffectual (Herbert, 2006; New York Civil Liberties Union, 2003). In such cases, the penned-in crowd is conceived of and treated as homogenous, potentially unruly and/or volatile (Stott et al., 2008). There are associated risks that such perceptions might well produce a self-fulfilling prophecy (ibid.) or become part of the localised 'history' of police/protestor relations that has a bearing on future events (Gorringe and Rosie 2008b). Having been cordoned into a specific area during a protest, activists may be less trusting of the police - and indeed more 'transgressive' - on subsequent protest occasions. As Reicher et al. (2004: 568) put it:

We find that people who expect the police to uphold their democratic rights (to protest, to watch sport in safety) but feel that the police have denied these rights are often those who are most outraged, most angry and who enter subsequent crowd events with the greatest willingness to confront the police.

Their 'guidelines for crowd policing' therefore stress the importance of: educating police officers about the various constituents of a crowd; 'trying to facilitate crowd aims'; communicating with groups, preferably through a trusted and respected figure, and; not treating a crowd as homogenous (2004: 566-568).

Stott et al's (2008) study of the management of English football fans attending major overseas competitions represents an endorsement of such a non-confrontational policing methodology. Their research on the 2004 European Football Championships argues 'that it was the deployment of non-paramilitary tactics to locate and deal with emergent problems ... that meant that public order was maintained' (ibid. 134). Crucially 'the experience of legitimate policing changed the association between in-group identification and perceived similarity, or identification with, the police' (ibid. 131).

It remains an open question, though, as to what extent the principles of non-confrontational crowd order policing can be realistically and effectively applied to protest events in which so-called transgressive or 'anti-systemic' groups are present. It has been our good fortune to come across a case in which one particular Scottish police force (Lothian and Borders) was endeavouring to implement a style of public order policing predicated on the need to facilitate, rather than control (or, even, repress) protest activity potentially containing an obviously transgressive element. In the following three sections, we report on our direct observations of the main features and outcomes of Operation Oak.

The 'Smash Nato' demonstration, 13 November

In recognition of the fact that protest policing is dynamic, processual and relational in nature, our analysis adopts a chronological approach to the Nato protests. The opening day's protest had the potential to be the most confrontational element of all, having been advertised as a 'smash Nato demo'. The website 'call to action' declared that: 'We embrace a diversity of tactics' and 'we will not publicly condemn other people's actions'. Linked graphics appearing both on the site itself and on publicity 'fliers' included a wrench, megaphone, hard-hat, boltcutters and d-lock, accompanied by the message 'bring what you expect to find!'.⁶ People were urged to arrive 'with their own ideas and plans for autonomous action against NATO or against other militarist targets',⁷ with the convergence space providing a map containing 'primary and secondary' examples of the latter. Nato WC chose not to secure a permit or pre-advertise the full details of their event in order to 'make it as hard as possible for us to be contained and stopped from taking action' (See note 6). Instead, the meeting point was to be announced via text message at 10.30am, half an hour before the protest was due to commence.

In actual fact, the anticipated text failed to materialise, and a pre-recorded voice message on a dedicated telephone contact line was not updated. We were subsequently informed that this was a technological glitch. The website, however, did call on protesters to gather on the west corner of the Meadows (a wide expanse of open parkland near the city centre). On turning into the area, we saw a knot of mostly black-clad protesters and orange-vested legal observers. There were some 30-40 people in a group. It transpired that they were talking to plain-clothed police 'facilitators' who were striving to negotiate with people and explain the police's position (Gorringe, fieldnotes).

As we approached the huddle of protesters, three police vans arrived to our rear and, according to our fieldnotes,

The protesters immediately spotted them and started to run away, at which point the uniformed police ... were given the order: 'Come on, after them, double time!' by their commanding officer ... Two protesters were holding a banner, and were further slowed down by their makeshift sound system transported in a supermarket trolley. Having easily overtaken and intercepted the group, the police (initially numbering around 30) quickly encircled them (Author 3, fieldnotes).

A 40 minute stand-off followed, with police insisting on the removal of masks and scarves under Section 60 of the Public Order and Criminal Justice Act 1994.⁸ Most of the group complied with this directive. Those who resisted were pulled aside, lectured, made to disclose their names and (in their terminology) 'de-masked' before being released. No arrests were made; nor were batons drawn and, with the exception of some jostling focusing on police attempts to confiscate the protestors' sound-system, there was no obvious likelihood of disorder. Indeed, passers-by felt sufficiently unperturbed to be able to stop and ask officers what was going on. It was unclear to us, however, whether the primary objective of the police at this point was to facilitate or *incapacitate* the group:

Generally speaking, the protesters linked up to form a tight, mutually protective cluster consistently resistant to occasional police interventions. The most active of the police facilitators ... tried engaging with the protesters: 'If you tell us where you're wanting to go and why, we'll give you whatever assistance we can'; 'Look, if you just take off your masks and give the officers your personal details, you'll then be free to go'. (Author 3, fieldnotes)

Such invitations were rejected. The activists defied police attempts to contain them in a huddle by splintering off in different directions, leaving officers trailing in their wake. With hindsight, it is clear that this initial encounter was setting a precedent for subsequent events. Initially, the group of masked and potentially recalcitrant protesters were greeted by a team of officers who seemed intent on accommodating their goals and facilitating their activities. However, the parameters of negotiation and authorisation were swiftly determined by the arrival of yellow-jacketed police support units. Protesters were given the ultimatum that they would only be allowed to proceed on condition that they first removed their masks, relinquished their 'potentially dangerous' flagpoles and disclosed exactly where they wanted to go. Whilst protesters decided that the 'facilitators' were a 'stalling tactic', subsequent interviews with police officers suggested that the uniformed officers were not aware of their presence and the Silver Commander was uncertain about the efficacy of this new role:

We are not sure negotiations are going to work here ... [and] we need to make sure we don't end up getting closer to this worst probable scenario, which is [protests at] the EICC [Edinburgh International Conference Centre – where the Assembly was held], so what we do is, we will put some more resources in ... to make sure we don't lose control of the situation (Silver, Interview).

This overriding police commitment to *containing* rather than facilitating the protest was even more pronounced at the next in the sequence of protest events – occurring outside the EICC later that day. Our research assistant was among the first of the demonstrators to arrive at this location:

There were approximately 14 protesters. There were very few policemen - no more than eight. There was one banner tied to a railing, but no protesters. Within one or two minutes, two policemen approached us. ... They asked whether we were protesters and, if we were, they said they

would like us to go to the opposite side [of the railing] where they had prepared a designated area for us (Kominou, fieldnotes).

By the time the rest of us arrived, the police had already set up barriers and spread a line of officers in such a way as to prevent protesters from getting too close to the venue and its guests. The long period of inactivity that followed was punctuated only by the occasional arrival of coaches transporting delegates into the EICC.

During this downtime, the three 'facilitators' first encountered on the Meadows re-entered the proceedings and took every possible opportunity to quietly introduce themselves as police officers. Their attempted explanations of the nature and purpose of their role were greeted with cynicism and suspicion - exemplified by the following exchange:

Police Facilitator: Our role is purely to engage with yourselves, listen to yourselves – understand where you are coming from so there are no communication breakdowns, so we can get the best possible result: You can have your protest within the law, minimal arrests, minimal disruption.

Protestor: We have the right to ineffective protest?

Facilitator: Pardon?

Protestor: We have the right to ineffective protest?

Facilitator [having clearly misheard this as 'an effective protest']: Absolutely, absolutely!

Protestor: Ineffective protest – I thought so. (Gorringer, fieldnotes)

The number of activists present gradually increased to around 40 and they started to form a presence on the 'wrong side' of the police barrier. Having tolerated this encroachment for some 30 minutes, an inspector quietly approached us as follows:

Officer: May we interrupt you? What it is; we're trying to get everything re-opened again and are looking to move all the protestors behind the barrier and then we can start moving all the barriers [on the road] away ... The idea is to try and scale it all down. What the manager's looking for is if we can try and encourage the people protesting to do that [on] that side of the barrier and then we can try and just open up the pavement again. Will that be OK?

Gorringer: Ok by us I imagine, yes.

Officer: Lovely, thanks for your time. (Gorringer, fieldnotes)

Finding themselves neither dispersed nor ordered, the protesters were asked if they 'wouldn't mind engaging in legitimate protest' in the EICC car-park, rather than in the road or on the pavements. This tone generally characterised the policing of the occasion.

Things soon changed, however, when a small number of protesters turned up carrying canvas banners set on wooden staves. The protesters formed into two lines, one behind the other in the manner of a football team, to have photographs taken, firstly on the pavement and then on the road in front of the building. Police officers immediately moved in and brusquely shepherded the group back onto the pavement. One of the on-looking police facilitators agreed with our observation that

the incident could, perhaps, have been dealt with in a more 'low-key manner' (Authors 1 and 3, fieldnotes). Then,

After a brief lull, there was a game of cat and mouse where little groups of protesters tried to evade the police lines at their weakest points and/or tried to scale hastily erected or permanently shifting metallic barriers. On most occasions, the police were tolerant and unaggressive. In one instance, though, I saw a police inspector being quite rough in sending a female protester back inside the barrier. 'We only want to protest!', she complained, to which he replied: 'Well, that's what we're here for - to allow you the freedom to protest' (Author 3, fieldnotes).

This brief description encapsulates the entire police approach to managing the demonstration. In the course of its two to three hours duration, handfuls of police officers intervened only when protestors strayed onto the road or tried to march off behind a banner. Concerns for protester 'safety' were commonly invoked in justification of police actions, despite the fact that the road remained closed throughout to normal traffic.

As the protesters eventually began to drift away, our research assistant tagged onto an impromptu march:

We marched round to what seemed to be the back entrance of the conference centre. Upon arrival there were few, maybe 6-7, policemen behind barricades, but they soon became ... around 20. While we stopped in front of those barricades - literally on the street - the policemen re-arranged the barricades (I would say they even extended them a little towards the road). We must have stayed there for 3-5 minutes or so. Some chants were shouted. ... we were standing on the road, a fairly busy road, but police did not seem to bother at all about "our safety" at that point (Kominou, fieldnotes).

The small march continued to head back into the city centre:

At that point we have probably around 4-8 policemen accompanying the march. The protesters were shouting something like: "You are doing shopping, while bombs are dropping", we march on Princes Street ... and end up at the Royal Mile. At that point I did not notice any police ... (Kominou, fieldnotes).

Policing on that first day had thus effectively applied the principles of 'negotiated management' to transgressive protest. Minor disruptions to everyday life, such as small, impromptu marches, were tolerated unless the protagonists were masked or blocking traffic. The Gold Commander for the event had called on the police to 'facilitate peaceful protest' (Silver, Interview) and this is largely what the operation delivered. The protesters were nonetheless critical of police actions. The facilitators, in particular, were repeatedly cast in the role of 'intelligence gatherers', cynically using this guise to eavesdrop on conversations and report them back to their uniformed colleagues.

The 'Stop the War' rally, 14 November

The following day saw the Stop the War Coalition rally, an exemplar of negotiated management in every regard. All aspects of the protest had been agreed during prior discussion between the police and organisers, and for several days beforehand the agreed route had been lined with official notices: 'Protest March: No parking, Saturday 14th November 2009, 8am to 2.30pm'. Officers in everyday uniforms made a point of good-naturedly chatting to marchers as they wound their way through the city. The march was self-stewarded and police intervention was notably absent. For instance, on several occasions:

The march spilled out onto the pavements [but] no action was taken to usher people back on to the road at all. Just before a major junction, though, stewards directed people back onto the road and into a tighter formation. Stewards did all the shepherding with no police involvement. Later, marchers spread out again and were largely left to go on and off the pavement (Authors 1 and 2, fieldnotes).

A potential point of contention was how close the march would be allowed to the Conference Centre:

The march was allowed to within 300-400 yards of the EICC (the smaller Nato WC protest was 'facilitated' rather closer the previous day). Where the route turned away from the venue ... the march halted and people lined the barriers to shout slogans and jeer at the building. Two flares were set off which prompted a scrum of photographers not police. Anyone holding a large camera seemed to have *carte blanche* to step beyond the barrier to better capture the image. The flares marked the focal point for slogans against Nato and demanding the return of troops. Some minutes into this process one of the stewards with a megaphone said "right, we're moving off". After a couple more minutes, with the march still hanging around, a senior officer walked into the crowd and spoke to the main steward. The march was urged forward again, this time more convincingly (Authors 1, 2 and 3, fieldnotes).

This had all the hallmarks of a pre-agreed symbolic gesture whereby protesters would stop and make some noise for several minutes, but make no attempt to get closer to the Assembly. Indeed, our initial interpretation was confirmed in informal interviews with police officers, who stated that everything bar the use of flares had been pre-approved of. Advance negotiation and self-stewarding had therefore helped to ensure that incidents which might otherwise have induced police intervention were tolerated on the day. This was consistent with the Silver commander's stipulation that there would be 'no surprises' on the day and, therefore, 'no reasons for the march to escalate' (Silver, Interview). Indeed, the *visible* police presence at the EICC was minimal and the only intervention came when the Bronze commander apparently felt edgy that the march was dallying too long. His intervention took the form of a quiet word with the leading steward, upon which the march proceeded rapidly to its rallying point.

Three aspects of the protest are worthy of particular consideration. The first concerns our observation that, whilst two protesters wearing scarves across their

faces were not approached, let alone intercepted, by officers, they were berated by fellow marchers:

‘Why are you hiding your faces? Take your masks off! The rest of us are all open, take them off’, demanded one woman. She was backed up by a man insisting ‘You should be proud to be marching not hiding away’. ‘It’s my right to cover my face’ the masked marcher is said to have replied. I approached the older woman and was told that the masked marchers were ‘troublemakers’ who “have no place on our march” ... When their presence was brought to the attention of the police facilitators [who had been trying to persuade people to unmask on the 13th] they responded ‘They’re not bothering anyone today’ (Author 2, fieldnotes).

The injunction to remove masks, thus, is clearly flexible. It is also clear that police are not alone in distinguishing between ‘good’ and ‘bad’ protestors. Silver noted in interview that the Stop the War coalition had seemed anxious to avoid their march being hijacked. This apparent consensus between police and protestors was of further relevance to a second incident we observed in which

A drunk, scruffy looking man stumbled towards some ‘studenty’ demonstrators who were holding a banner. The man shouted something at them twice [and] then threw a wild punch ... at which point the police officer swiftly grabbed him and led him away (Neville, personal communication)

Legal observers stepped back when they realised what was happening and were content for the man to be escorted off since, on this occasion, the police were undoubtedly intervening to protect marchers and prevent trouble from flaring up.

Our final observation relates to the fact that, for all its ‘contained’ nature (Gillham and Noakes, 2007), the march was notable for the highly visible presence of police Forward Intelligence Teams⁹ - and a surprising number of ‘ordinary officers’ – with cameras trained on the protesters. It is reasonable to speculate that this may have been due, in some part, to the events of the previous day (although it is fair to say that very few of those involved in the Nato WC were also present on this march). Police interviews suggest that this dominant style of policing reflected both the chequered relationship between the police and Stop the War protesters, resulting from a recent history in which the latter have occasionally deviated from negotiated agreements (Gorringer & Rosie 2008), and the risk that the march could be ‘hijacked’ by more radical elements (Silver, Interview). Whatever their actual motive, it was clear to us that these prominent levels of surveillance jarred with the emphasis on facilitation.

‘Trident Ploughshare’ and University of Edinburgh protests, 17 November

On its final morning, the NATO Assembly was attended by David Miliband MP, then Secretary of State for Foreign and Commonwealth Affairs, whose presence provided a focal point of protest. This involved two co-ordinated activities occurring at approximately 8.30am. Whilst Nato WC activists (dressed in ‘Black Bloc’ style attire) led a ‘decoy mission’ to the rear of the EICC venue, six Trident Ploughshare activists (a non-violent direct action group committed to disarming Trident nuclear

submarines) approached the main entrance. The decoy manoeuvre succeeded in distracting police attention to the extent that those responsible for it were subsequently followed around the city (Author 1, fieldnotes). Meanwhile,

The Trident group were apprehended as they approached the building and were stood up against the wall or lay flat on the ground refusing to move. The three or four activists were surrounded by three times their number of police and there were many more cops in front of the building too. The activists stood there sandwiched between police and shouting out 'No to war' and other slogans. They made no attempt to resist arrest or cause a scene but did not co-operate either. They had had to be carried or manhandled off the road and onto the pavement. They wore aprons with pictures of civilian war victims and called out to passers by [I did not hear everything but a statement from the group said that they listed the names of civilians killed in Afghanistan]¹⁰ (Author 1, fieldnotes).

Despite the fact this represented a direct attempt to enter the EICC, the policing was neither aggressive nor heavy-handed. Moreover, when a couple of passers-by identified themselves as 'legal observers', they were allowed to approach the group free of police obstruction (Author 1, fieldnotes). The action, in other words, was primarily symbolic (see note 11), demonstrating the importance of 'expressive' protest (Stammers & Eschle 2005). It is probable, however, that its occurrence did have a bearing on the manner of the protest policing later in the day.

With members of the Trident group now having been arrested, the Nato WC reassembled at midday, inside the quadrangle of the University of Edinburgh's 'Old College', to register opposition to the scheduled lecture by Nato's Director General. One of our team (Author 1) turned up at the event just as the main group of protesters arrived replete with banners, plastic boxes and whistles. The police immediately intercepted these newcomers and told them that, should they wish to protest, they would have to stand in the corner of the quad, behind a metal barrier:

Given that this was advertised as a 'noisy' protest this was quite an offer. The activists, however, objected to being penned in behind a barricade and insisted that it was their right to stand elsewhere. The negotiations did not last long. The police issued an ultimatum: 'In there or out of the quad!' The protesters argued against this but were hustled out. Anyone resisting was shoved along - several fell to the floor in the process - and/or asked for identification ... The activists were escorted forcefully (though not violently) out of the building and were ushered into a pen on the pavement (Author 1, fieldnotes).

There, some fifteen activists found themselves confined in a small section of pavement, no more than four metres long and maybe two metres wide. This space was sealed off by barriers which were completely lined by police. For the first ten minutes, a Forward Intelligence Team ostentatiously photographed those present. The group was told that they could continue to protest peacefully, but sympathetic onlookers took a negative view of what had happened. One Spanish activist pointed to the pen and exclaimed; 'It's humiliating, they are treating them like animals!' (Author 1, fieldnotes).

One of the police ‘facilitators’ commented to us that events that morning had made officers more anxious and less trusting. Another policewoman, however, responded that ‘protesters were inside that cage “for their own safety”’ (Kominou, fieldnotes). Whilst our research assistant took this to be a flippant response, especially as the officer pointed to the traffic, the University was hosting multiple dignitaries including the Duke of Edinburgh. ‘There are people in there, who have [security] with guns’ as one facilitator put it (Author 2, fieldnotes). Facilitating protest competed with a desire to avoid the sort of disruption caused by protestors in the morning and an awareness of the repercussions that would ensue from an attack on a dignitary or an injury to a protestor (Facilitator 1 & Facilitator 2, Interview). Officers seemed more edgy than on previous occasions. Indeed, one senior officer took the details of a camera-man who had become involved in an altercation with officers: ‘There’s this protest going on and it’s a volatile situation’ he asserted (Author 1, fieldnotes).

The policing of the event suggested that the group could not be trusted. Though the numbers were small the emphasis was on containing them and ensuring that they held their lawful protest within strict parameters:

After a while there was a chant of ‘Let us out! Let us out’ but they were told that they were staying put. They tried reasoning: ‘Look I’m getting really cold here’. They asked under what law they were being held and were told that it was ‘to prevent a breach of the peace’ (Author 1, fieldnotes).

Deliberate or not, the police tactics had the effect of distracting the protesters’ attention away from the NATO seminar and onto what was happening inside the ‘cage’ (Kominou, fieldnotes). Late on the protesters became caught up in a heated discussion with the police facilitators with the consequence that a convoy of cars and vans was allowed to leave the university unnoticed. It was only a short while afterwards that protesters were released from the cage, arguably having been held ‘for no longer than [was] reasonably necessary’ (Author 1, fieldnotes). This did not signal a let up in the police’s determination to tightly manage the protesters. Having been released, about ten protesters made a beeline for a nearby café, whereupon:

The police followed them in and spoke to the manager. They [police] asked if there was a fire escape and were told that it was through the staff office. Satisfied, the police left and stood outside the door. ‘We’ll just be waiting here for you’ they said. Then two of them entered the café again and demanded to see the fire escape and where it went (Author 1, fieldnotes).

The protestors were visibly tired and cold at this point and had all rushed in to use the toilets before ordering drinks and food, but the clear implication was that they still needed to be monitored. When questioned about this later on, Silver admitted that such actions jarred with the over-riding ethos of the policing operation but also insisted that it was an example of:

The police service making sure that they are always in a position to gather information and react to something that is going on and protect other members of the public ... rather than turning up on the back foot when everything's gone wrong (Interview).

Concluding Discussion: Facilitating Ineffective Protest?

Scarcely had the ink dried on the reports following the death of Ian Tomlinson at the 2009 London G20, when events involving the anti-NATO demonstrations in Edinburgh offered some possible insights into the changing nature of protest policing in Britain. The rhetorical emphasis in the build up to the protests had been on the 'facilitation of lawful protest' and Lothian and Borders Police duly deployed a team of four police 'facilitators' – officers trained as negotiators with both highly developed 'people-skills and the common touch but no specific protest-related training – to liaise with protestors and enable them to exercise their 'right to protest' (Facilitator 1 & Facilitator 2, Interview). There was, on the face of it, an explicit recognition that activists may well have genuine causes and grievances that warrant an adequate opportunity of expression, even if appropriate permission has not been secured beforehand and that it is likely to entail some degree of 'disruption to everyday life'.

Based on the evidence of our interviews and direct observation of events, we have no reason to doubt the sincerity and commitment of the four police officers specifically deployed to promote the facilitation of the protesters' objectives and uphold their right to protest. However, it was equally evident to us that the facilitation officers had very little scope or opportunity to influence the course of events and that police accommodation of the demonstrators' objectives was both limited and constrained by the overarching concern not to let things get out of control. Uncertainty surrounding both the efficacy and role of the facilitators and the protest constituency meant that the default position was for the police to fall back on tactics of strategic incapacitation.

It hardly requires mentioning that at no time during the proceedings were the four facilitation officers realistically in a position to promote either the broad aims of Nato WC (to 'smash Nato' and put a halt to global conflicts) or to help deliver such specific objectives as denying delegates access, breaking into the conference venue, and vocally drowning out the speech by the NATO Director General. Indeed, it was noticeable that, even when involved in their only notable act of intervention (when protesters initially assembled on the Meadows) they were not given sufficient time to effectively engage with the civilians and were soon bypassed by their own colleagues. Another obvious problem was that the protesters' commitment to 'transgressive' modes of expression was an insurmountable obstacle to either they or the police being ready to negotiate.

Though couched very much in the rhetoric of police facilitation, the police decision to strictly demarcate the prescribed protest areas, erect barriers or 'pen-in' protesters, and immediately clamp down - roughly, if necessary - on any violations of their 'rules' or directives were very much consistent with the strategic incapacitation approach. It was only in relation to the more 'contained' Stop the war protest that signs of 'negotiated management' were clearly discernible. This extended to tolerating the use of flares - a gesture that did not form part of the

sanctioned protest ritual. Even here, however, the route was lined with Forward Intelligence Teams and the march subjected to heavy real-time surveillance.

At one level the police are entitled to characterise Operation Oak as a 'resounding success' in that it enabled 'meaningful' (and largely peaceful) expressions of protest to take place whilst the NATO delegates were able to go unhindered about their business. What this case study has also demonstrated is that, in addition to being 'soft hat', their primary methods of protest management were overwhelmingly 'old hat' as well, insofar as they leaned towards tried and tested techniques of strategic incapacitation. Though novel in its commitment to engaging in greater dialogue with hard core protesters, the Lothian and Border Police's accent on facilitation appeared neither innovative nor effective in practice. It is tempting, from this perspective, to dismiss the experiment at facilitation as little more than a footnote to prevailing strategies aimed at containing protest, there are, however, three points worthy of note from this event.

The first, as stated at the outset of this paper is that it would be unfair to expect too much so soon of such a novel strategic reorientation. Clearly, the protests did not present a particularly stern challenge to policing, and it is unlikely that the approach used here would have worked with larger numbers or in a more fluid and dynamic situation. The second is that the willingness (however short-lived) to allow three unarmed and approachable negotiators to be the first contact for a group of radical activists at a high-profile political event suggests a significant diminution in police attachment to the notion of the madding crowd. Lothian and Borders police have subsequently told us that proactive policing of this nature is 'here to stay'. Indeed, they built on the innovations detailed in this paper to deploy liaison officers at Climate Camp and student protests in 2010, suggesting that this is more than just a spasmodic response to the HMCIC report. Finally, behind the barricades and lines of uniforms there is a discernible attempt to think through how such protest might be facilitated: from the initial discussions in the Meadows through offers to deliver a petition to the Nato delegates to the provision of a space within the Old College Quad there are (imperfect) signs of a changing approach. We are therefore content to acknowledge for now that we may have just witnessed the start of a transition to what we might reasonably refer to as a 'strategic facilitation' approach. This hardly represents a revolution in police methods for handling public disorder, but it seems that the next stage in its evolution is unsteadily underway.

¹ <http://www.indymediascotland.org/node/17451> (Accessed 09/12/2009)

² <http://www.indymediascotland.org/node/17468> (Accessed 09/12/2009)

³ A 'Gold commander' is the most senior officer in charge of an operation and sets the strategic parameters within which an event is to be policed. Silver is more hands-on and decides on the tactical approach that will enable Gold's objectives to be met and the Bronze commander is the one who puts those tactics into operation on the ground (Silver Interview).

⁴ Our account of the role played by the police facilitators will be developed in another paper.

⁵ Austin and Another v Commissioner of Police of the Metropolis, cited in HMCIC (2009a: 43-4).

⁶ <http://natowc.noflag.org.uk/calls-to-action/general-call-to-action/> See also: <http://natowc.noflag.org.uk/resources/> (both accessed 14/12/2009)

⁷ <http://natowc.noflag.org.uk/2009/11/04/communique-2-action-details-announced/#more-129> (Accessed 14/12/2009)

⁸ The Scottish Activist Legal Project (2009: 4) defines Section 60 Orders as 'the power of police to stop and search in anticipation of violence'. The 'police can also require that any item be removed which the police think is wholly or mainly for concealing identity'.

⁹ One of the FIT officers was said to be from London, suggesting a level of intrusive surveillance not usually associated with Edinburgh marches (O'Hanlon 2009).

¹⁰ <http://www.indymediScotland.org/node/17482> (Accessed 15/12/09)

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